

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

PATRICIA A. GRIMES,

Plaintiff,

VS.

JO ANNE B. BARNHART,  
Commissioner of Social Security,

Defendant

**CIVIL ACTION NO. 3:04-1686**

(JUDGE NEALON)

(MAGISTRATE JUDGE BLEWITT)

## ORDER

On June 21, 2005, a Report and Recommendation was issued by United States Magistrate Judge Thomas M. Blewitt (Doc. 15) in this action wherein the plaintiff seeks review of the Commissioner of Social Security Administration's ("Commissioner") denial of social security disability insurance benefits and supplemental security income.<sup>1</sup> (Doc. 1). Magistrate Judge Blewitt recommended that the matter be remanded to the Commissioner for further action inasmuch as he concluded that the ALJ's decision was prejudicial to Plaintiff because it was made without a valid waiver of appearance by Plaintiff. Moreover, the Magistrate Judge found that the ALJ erred in not properly resolving conflicts in the record with respect

<sup>1</sup> Plaintiff filed this action pursuant to 42 U.S.C. § 405 (g). See also 42 U.S.C. §§ 401-433 and 42 U.S.C. § §1381-1383c.

to Plaintiff's allergy condition and, in determining Plaintiff's residual functional capacity, the ALJ failed to consider her non-exertional limitations due to the environment and her obesity. The Report and Recommendation further concluded that the ALJ failed to make specific findings regarding the physical and mental demands of Plaintiff's past work. Consequently, it recommended that the matter be remanded to the Commissioner for further proceedings.

No objections were filed by any party to the Magistrate Judge's Report and Recommendation, and Defendant has waived his opportunity to object to the Report and Recommendation. (Doc. 16). After careful consideration, the court finds the recommendations of the Magistrate Judge well reasoned and legally sound. Consequently, after careful review and in the exercise of sound judicial discretion, the court adopts the Magistrate's Report and Recommendation in full.

ACCORDINGLY, this 5<sup>th</sup> day of JULY 2005, IT IS HEREBY ORDERED THAT:

1. The Report and Recommendation of Magistrate Judge Blewitt (Doc. 15) is ADOPTED;
2. The case is remanded to the Commissioner for further action; and
3. The Clerk of Court is directed to close the case.

s/ William J. Nealon  
United States District Judge